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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,502

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Rudiger Siemens

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EXAMINER

RUST, ERIC A

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,502	Applicant(s) SIEMENS ET AL.	
	Examiner ERIC A. RUST	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 71-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the Amendment filed February 28, 2011, Applicants amended claims 71 and 80. Claims 71-88 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 71-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Application Publication No. WO 03/025713 A2 to Dexter et al. (hereinafter, Dexter) in view of U.S. Patent Application Publication No. 2004/0057063 A1 to Toyofuku et al. (hereinafter, Toyofuku). Dexter was cited in the IDS filed by Applicants on June 02, 2006.

In regard to claim 71, Dexter discloses a method for processing print data (**Dexter, Abstract**), comprising the steps of:

generating a print data stream with data of a plurality of print pages wherein a first object property is associated with at least one region of the print pages (**Dexter, [0044] discloses the plurality of pages, [0037] discloses associating first object properties to a print data stream, the Examiner reads [0037] as disclosing the**

processing be done to a single page of the plurality of pages, the one region being a full page); and

with a computer, processing the print data wherein in a first raster process rasterizing at least the print data of the at least one region by use of said first object property (**Dexter, [0037] discloses processing the print data wherein in a first raster process rasterizing at least the print data of the at least one region by use of said first object property, the Examiner reads [0037] as disclosing the processing be done to a single page of the plurality of pages, this is the first raster process**);

Dexter does not disclose displaying at least the rasterized print data of said first raster process on a display; selecting at least one part which is a sub-region of the at least one region of one of the plurality pages of the print data stream; with the computer associating at least one second object property differing from the first object property with the selected at least one part of the at least one region; and with the computer processing the print data of said sub-region selected part of the at least one region by rasterizing the print data in a second raster process dependent on both of the first and the second object properties.

Toyofuku, however, discloses displaying rasterized print data so that a user can determine that the rasterized print data is proper (**Toyofuku, [0005]**).

Moreover, Dexter allows for selecting a part of a page to performing rasterization (**Dexter, [0037]**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Toyofuku with the teachings of Dexter so that an operator can determine whether or not the rasterized image is proper (**Toyofuku, [0005]**).

While it is true that Toyofuku does not explicitly disclose rasterizing the page or a part of the page if the image is not proper, the Examiner believes the inferences of one of ordinary skill and creativity in the art at the time of inventions in the art would have been to rasterize the page if the image is not proper. In this way, the image that a user desires could be achieved. This would increase user satisfaction.

Still further, the Examiner believes the inferences of one of ordinary skill and creativity in the art at the time of inventions in the art would have been to only change a sub-region of the page, if the sub-region was the area where the image is not proper. The motivation being not changing an area that is proper.

Moreover, if the first page has only text, the first object property would be text, if the section of the first page being rasterized had images and text, the second object property would be text and images, therefore the section of the first page being rasterized would have a second raster process dependent on both of the first and the second object properties.

Accordingly, the combined teachings of the references would have suggested to one of ordinary skill in the art the limitations of claim 71.

Case law backs the statements presented above.

For example, it has been held that the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See *In re Kahn*, 441 F.3d at 987-88; *In re Young*, 927 F.2d 588, 591 (Fed. Cir. 1991); and *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Furthermore, in evaluating such references, it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 401 F.2d 825, 826 (CCPA 1968).

Section '103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," and discussed circumstances in which a patent might be determined to be obvious. *KSR*, 127 S. Ct. at 1739 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966)). The Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 1740.

In regard to claim 80, the only difference between claim 71 and 80 is that in claim 80, the print data of said selected part of the at least one region is rasterized in a second raster process dependent on only the second object property.

Taking this into consideration, if the first page has only text, the first object property would be text, if the section of the first page being rerasterized had only images, the second object property would be images, therefore the section of the first page being rerasterized would have a second raster process dependent on only the second object property.

In regard to claims 72 and 81, which depend from claims 71 and 80, respectively, the Dexter disclose wherein a second print data stream is generated in which said second object property is associated with said selected part of the at least one region (**Dexter, [0037] - [0038]**).

In regard to claims 73 and 82, which depend from claims 71 and 80, respectively, Dexter discloses wherein the at least one region comprises the entire print page (**Dexter, [0037], line 4**).

In regard to claims 74 and 83, which depend from claims 71 and 80, respectively, Dexter discloses wherein at least one of the first and second object properties pertains to at least one parameter of the type selected from the group

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consisting of output, print, and processing parameter types (**Dexter, [0037], lines 7-9, region type pertains to at least a processing parameter**).

In regard to claims 75 and 84, which depend from claims 71 and 80, respectively, Dexter discloses wherein at least one of the first and second object properties serves for selection of a color conversion method, a raster conversion method, or an error correction method (**Dexter, [0038], lines 12-13, RBG to CMYK for color photos**).

In regard to claims 76 and 85, which depend from claims 71 and 80, respectively, Dexter and Toyofuku disclose the claimed invention except wherein at least one of the first and second object properties serves for selection of a raster conversion method, and the raster conversion method comprises a Floyd-Steinberg raster method, a Burkes raster method, or a Stucki raster method.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein at least one of the first and second object properties serves for selection of a raster conversion method, and the raster conversion method comprises a Floyd-Steinberg raster method, a Burkes raster method, or a Stucki raster method since it was known in the art that the Floyd-Steinberg raster method is commonly used in image manipulation software.

In regard to claims 77 and 86, which depend from claims 71 and 80, respectively, Dexter discloses wherein said selected part of the at least one region comprises an aerial region selected with aid of geometric figures comprising at least one of rectangles, circles, or polygons (**Dexter, Fig. 5, user selects region using rectangle**).

In regard to claims 78 and 87, which depend from claims 71 and 80, respectively, Dexter discloses wherein the print data contained in the print data stream has a resolution which is adapted to a resolution of the printer (**Dexter, [0038], lines 18-19**).

In regard to claims 79 and 88, which depend from claims 71 and 80, respectively, Dexter discloses wherein at least one of color or grey level values contained in the print data stream are adapted to device properties of the printer (**Dexter, [0037], lines 5-9, and [0038], lines 1-2, and lines 12-21**).

Response to Arguments

4. Applicants' arguments with respect to the rejection of claims 71-88 have been carefully considered but are either not persuasive or are moot in view of the new grounds of rejection.

In regard to Applicants' arguments with respect to the rejection of claims

71-88, Applicant argues that in Dexter, the second page is not a sub-region of the selected region for the first rasterizing as recited in claim 71 and 88. See Amendment, pg. 7.

The Examiner agrees.

However, Toyofuku discloses displaying rasterized print data so that a user can determine that the rasterized print data is proper (**Toyofuku, [0005]**).

Moreover, Dexter allows for selecting a part of a page to performing rasterization (**Dexter, [0037]**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Toyofuku with the teachings of Dexter so that at an operator can determine whether or not the rasterized image is proper (**Toyofuku, [0005]**).

While it is true that Toyofuku does not explicitly disclose rerasterizing the page or a part of the page if the image is not proper, the Examiner believes the inferences one of ordinary skilled and creativity in the art at the time of inventions in the art would have, would be to rerasterize the page if the image is not proper. In this way, the image that a user desires could be achieved. This would increase user satisfaction.

Still further, the Examiner believes the inferences one of ordinary skilled and creativity in the art at the time of inventions in the art would have would be to only change a sub-region of the page, if the sub-region was the area where the image is not proper. The motivation being not changing an area that is proper.

Accordingly, the combined teachings of the references would have suggested to one of ordinary skill in the art the limitations of claim 71 and 80.

Case law backs the statements presented above.

For example, it has been held that the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See *In re Kahn*, 441 F.3d at 987-88; *In re Young*, 927 F.2d 588, 591 (Fed. Cir. 1991); and *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Furthermore, in evaluating such references, it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 401 F.2d 825, 826 (CCPA 1968).

Section '103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

Applicants further argue that the combination of Dexter and Toyofuku does not disclose that the sub-region selected part is rasterized in the second raster process dependent on both the first and the second object properties, as recited in claim 71. See Amendment, pg. 7.

The Examiner has considered this argument carefully, but does not agree.

Taking into consideration the combination of Dexter and Toyofuku as described above, if the first page has only text, the first object property would be text, if the section of the first page being rasterized had images and text, the second object property would be text and images, therefore the section of the first page being rasterized would have a second raster process dependent on both of the first and the second object properties.

Accordingly, Applicants' arguments are not persuasive.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-

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3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4380.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

03/22/2011

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625